

Question A - [CR23-2026](#)

Text of Proposed Charter Amendments (additions in **BOLD CAPS**; deletions in ~~striketrough~~):

Article II

The Legislative Branch

Section 202. - The County Council.

The legislative power of the County is vested in the County Council of Howard County which shall consist of five members who shall be elected from the Councilmanic Districts.

(a) Mode of election. Each of the members of the Council shall be nominated and elected by the qualified voters of the Councilmanic District in which ~~he or she~~ **THEY** resides. Each Councilmanic District shall elect one Council member.

(b) Qualifications.

1. In General. Each candidate for the council shall have resided in the County for a period of not less than two years immediately prior to nomination; shall be a registered voter; and shall be a resident of the Council District which the candidate seeks to represent at the time of filing for candidacy and during the full term of office; and shall not be less than twenty-five years of age at the time of election.

2. Other Offices or Employment. No person shall qualify or serve as a member of the council: while holding any other office of profit or trust of or under the State or County government; while employed by the County; or while employed by any agency, board, commission, unit or other entity which receives funds through the County budget. No member of the Council shall, during the whole term for which ~~he or she was~~ **THEY WERE** elected, be eligible for appointment to any County office or position or be eligible for employment by the County.

3. Forfeiture of Office. If a member of the Council ceases to be a qualified and registered voter of the County, moves ~~his or her~~ **THEIR** residence from the councilmanic district ~~he or she was~~ **THEY WERE** elected to represent, accepts any other office of profit or trust of or under the state or county government, becomes employed by the County or any other entity which receives funds through the County budget, or is convicted of any crime involving moral turpitude, ~~he or she~~ **THEY** shall immediately forfeit ~~his or her~~ **THEIR** office.

(e) Vacancies. Unless provision for filling a vacancy by special election has been established by ordinance, a vacancy occurring in the office of the Council member prior to the expiration of ~~his or her~~ **THEIR** term shall be filled by the Council within thirty days

after the vacancy occurs by the appointment of a person whose name is to be submitted in writing to the Council by the State Central Committee of Howard County representing the political party to which the previous member belonged at the time of the member's most recent election. If a name is not submitted by the appropriate State Central Committee within twenty-five days after the vacancy occurs or if the previous incumbent was not a member of a political party at the time of the member's most recent election, then the vacancy shall be filled by a majority vote of the remaining members of the Council. The member so appointed shall reside in the same Councilmanic District as ~~his or her~~ **THEIR** predecessor and shall possess and maintain the same qualifications as an elected Council member. The member so appointed shall serve the unexpired term of ~~his or her~~ **THEIR** predecessor.

Section 203. - Officers.

(a) Presiding officer. The Council at its first meeting in December of each year shall elect from its membership a Chairperson and Vice Chairperson. The Chairperson, or ~~in his or her~~ **THEIR** absence the Vice Chairperson, shall preside at all meetings. On all questions before the Council, the Chairperson and Vice Chairperson shall have and may exercise the vote to which each is entitled as a Council member.

Section 209. - Legislative procedure.

(g) Executive veto. Upon the passage of any legislation by the Council, with the exception of such measures as may in this Charter be made expressly exempt from the executive veto, the same shall be presented within three calendar days to the County Executive for ~~his or her~~ **THEIR** approval or disapproval, and within ten calendar days after such presentation the County Executive shall return any such legislation to the Council with ~~his or her~~ **THEIR** approval endorsed thereon or with a statement in writing of ~~his or her~~ **THEIR** reasons for not approving the same. Upon approval by the County Executive, any such legislation shall stand enacted. Any such legislation presented to the County Executive and returned with ~~his or her~~ **THEIR** veto may be reconsidered by the Council. The County Executive's objections shall be entered upon the Journal of the Council, and not later than at its next legislative session, the Council may reconsider the enactment thereof; and if two-thirds of the members of the Council vote in the affirmative, the legislation shall stand enacted. Whenever the County Executive shall fail to return any such legislation within ten days after the date of its presentation to ~~him or her~~ **THEM**, the Administrator of the Council shall forthwith record the fact of such failure in the Journal and such legislative act shall thereupon stand enacted. The County Executive may strike out or reduce any item in a supplementary appropriation bill and the procedure in such a case shall be the same as in the case of the veto of a bill by the County Executive.

Section 210. - Recording, printing and compilation of laws.

(d) Cumulative supplement. The County Solicitor shall cause to be prepared and published a cumulative supplement to The Howard County Code, with an index and such appropriate notes, citations, annotations and appendices as ~~he or she~~ **THEY** may deem desirable or as may be required by the Council.

Section 211. - The referendum.

(b) Form of petition. A petition may consist of several papers, but each paper shall contain a fair summary of the Act or the part of the Act petitioned upon; and there shall be attached to each such paper an affidavit of the person procuring the signatures thereon that, to the said person's own personal knowledge, each signature thereon is genuine and bona fide, and that to the best of ~~his or her~~ **THEIR** knowledge, information and belief the signers are registered voters of the State of Maryland and Howard County, as set opposite their names. The Board of Supervisors of Elections shall verify the registration of said petitioners.

Section 212. - County Auditor. The Council shall, by resolution, appoint a County Auditor who shall hold office for an indefinite term at the pleasure of the Council and shall receive such compensation as the Council may determine. The County Auditor shall be a certified public accountant licensed for the practice of ~~his or her~~ **THEIR** profession under the laws of this State, and shall be appointed on the basis of ~~his or her~~ **THEIR** knowledge of governmental accounting and auditing and ~~his or her~~ **THEIR** experience pertaining to the duties of ~~his or her~~ **THE** office. The County Auditor shall, not later than November 30 of each year, prepare and submit to the Council and to the County Executive, a complete financial audit for the preceding fiscal year of all offices, departments, institutions, boards, commissions, corporations, courts and other agencies of the County government. The Council may in its discretion except those agencies whose entire records, accounts and affairs are completely audited each year with the approval of or by the State government. Such audit shall include a report thereon together with such explanatory comments as the Auditor may deem appropriate. Notice of the availability of the report shall be published in at least one newspaper of general circulation in the County, and copies of the complete audit shall be available to the public and the press in the County Auditor's office and at the public libraries. In addition to any financial audit required by this section, the County Auditor shall have the authority to conduct other financial or management audits. All records and files maintained by all officers, agents and employees of the County and all offices, departments, institutions, boards, commissions, courts and corporations and other agencies thereof, shall at all times be open to the inspection of the County Auditor where necessary for the conduct of ~~his or her~~ **THE** office. The County Auditor shall

promptly call to the attention of the Council and the County Executive any irregularity or improper procedure which ~~he or she~~ **THEY** may, from time to time, discover. The Council shall have the power to implement the provisions of this section and to assign additional functions, duties and personnel to the County Auditor not inconsistent with those provided herein. All actions of the Council pursuant to this section shall be exempt from the executive veto.

Section 213. - Special audits. Either the Council or the County Executive may at any time order the examination or audit of the accounts of any department, office or agency receiving funds from the County government. Upon the death, resignation, removal or expiration of the term of any County administrative officers, the County Auditor shall cause an audit and investigation of the accounts maintained by the officer, and by ~~his or her~~ **THE OFFICER'S** department, office or agency, to be made. The County Auditor shall report the results of ~~his~~ **THE** audit to the County Executive and the Council, and copies shall be made available to the public and press no later than four months after the ordering of the audit. If, as a result of any such audit, an officer shall be found to be indebted to the County, the County Executive shall proceed forthwith to collect the indebtedness. All actions of the Council pursuant to this section shall be exempt from the executive veto.

Section 215. - Noninterference with executive branch. Neither the Council nor any of its members shall attempt to influence the head of any department, office or agency of the County government concerning the appointment of any person to, or ~~his or her~~ **THEIR** removal from, any office or employment, nor in any way take part in the appointment of or removal of officers and employees of the County except as specifically provided in this Charter. Formal communications from the Council to the executive branch shall be addressed to the Executive, and neither the Council nor any member thereof shall give orders either publicly or privately to any subordinate of the County Executive.

Article III

The Executive Branch

Section 301. Composition. The Executive Branch of the County government shall consist of the County Executive and all officers, agents and employees under ~~his~~ **THE COUNTY EXECUTIVE'S** supervision and authority.

Section 302. - The County Executive. The executive power of the County shall be vested in the County Executive who shall be the chief executive officer of the County and the official head of the County government. In such capacity ~~he or she~~ **THE COUNTY EXECUTIVE** shall be the elected executive officer mentioned in Section 3 of

Article XIA of the Constitution of this State. The County Executive shall devote full time to the duties of ~~his or her~~ **THEIR** office.

(a) Mode of election. The Executive shall be nominated and elected by the qualified voters of the County as provided by law.

(b) Qualifications.

1. In General. The Executive shall be a resident of the County for a period of not less than five years immediately prior to election and a registered voter at the time of filing for candidacy and shall be not less than thirty years of age at the time of ~~his or her~~ **THEIR** election.

2. Other Offices. No person shall qualify or serve as Executive while holding any other office of profit or trust of or under State, County or Federal government; while employed by the County; or while employed by any agency, board, commission, unit or other entity which receives funds through the County budget. No Executive shall, during the whole term for which ~~he or she was~~ **THEY WERE** elected, be eligible for appointment to any County office or position or be eligible for employment by the County.

3. Forfeiture of office. If an Executive ceases to be a registered voter of the County or is convicted of any crime involving moral turpitude, ~~he or she~~ **THEY** shall immediately forfeit ~~his or her~~ **THEIR** office.

(c) Term of office. The Executive shall qualify for the office on the first Monday in December following ~~his or her~~ **THEIR** election, or as soon thereafter as practicable and shall enter upon the duties of ~~his or her~~ **THE** office immediately. The County Executive shall hold office for a term of four years commencing at the time of ~~his or her~~ **THEIR** qualification and continuing until ~~his or her~~ **THEIR** successor shall qualify. No person shall be eligible to succeed ~~himself or herself~~ **THEMSELVES** in office if ~~he or she has~~ **THEY HAVE** served as Executive for two consecutive four-year terms.

(e) Change in compensation and allowances. The Compensation Review Commission established pursuant to Section 202(d) of this Charter shall review the Executive's compensation and allowances and make recommendations to the Council. The Council shall have the power to increase the compensation and allowances provided in this Charter for the Executive by the affirmative vote of not less than a majority of its members. To reduce the Executive's compensation and allowances the affirmative vote of not less than two-thirds of the Council members is required. In no event shall such compensation be reduced by a figure lower than that provided in this Charter except by amendment thereto. The compensation and allowances of the Executive shall not be increased or reduced during ~~his or her~~ **THEIR** current term.

(f) Vacancy. Whenever for any cause the office of the Executive shall become vacant, the Chief Administrative Officer shall serve as acting Executive until a new Executive shall be appointed. The office of County Executive shall be filled by resolution within thirty days by the affirmative vote of a majority of the members of the Council. The person so elected by the Council shall possess the same qualifications for the office as provided in Section 302(b), shall belong to the same political party as ~~his or her~~ **THEIR** predecessor at the time of the Executive's most recent election (unless ~~his or her~~ **THEIR** predecessor was not a member of a political party) and shall serve the unexpired term of ~~his or her~~ **THEIR** predecessor and until ~~his or her~~ **THEIR** successor shall qualify.

(h) Inability to perform duties. If an Executive is unable to perform the duties and responsibilities of ~~his or her~~ **THE** office as set forth in Section 302(i) of this Article for a continuous period of six months, ~~his or her~~ **THE** office may be declared vacant by the affirmative vote of not less than two-thirds of the members of the Council and such vacancy shall thereupon be filled in the manner above provided in Section 302(f) of this Article.

(i) Powers and duties. The Executive shall be responsible for the proper and efficient administration of such affairs of the County as are placed in ~~his~~ **THE EXECUTIVE'S** charge or under ~~his~~ **THE EXECUTIVE'S** jurisdiction and control under this Charter or by law. ~~His~~ **THE COUNTY EXECUTIVE'S** express responsibilities, duties and powers shall include, but not be limited to, the following:

1. To supervise, direct and control the offices and departments of the County Government, subject to law and the provisions of this Charter;
2. To present to the Council the annual County budget in the manner and form hereinafter in this Charter provided;
3. To report to the Council and the public at least once a year a general statement of finances, government and affairs of the County, with a summary statement of the activities of the several departments and offices thereof;
4. To present to the Council from time to time such other information concerning the business and affairs of the County as ~~he or she~~ **THE EXECUTIVE** may deem necessary, or as the Council by resolution may request, and to recommend such measures for legislative action as ~~he or she~~ **THEY** may deem to be in the best interest of the County;
5. To see that the County officers, boards, agencies, commissions, departments and employees faithfully perform their duties;

6. To see that the laws of the State pertaining to the affairs, good order and government of the County, and the acts, resolutions, ordinances and public local laws of the County are duly executed and enforced within the County;

7. To make or cause to be made any study or investigation which in ~~his or her~~ **THE EXECUTIVE'S** opinion may be in the best interests of the County, including but not limited to investigations of the affairs, functions, acts, methods, personnel or efficiency of any department, office or officer under ~~his or her~~ **THEIR** jurisdiction;

8. To veto, in ~~his or her~~ **THE EXECUTIVE'S** discretion, legislative acts of the Council, in the manner, at the times and subject to the limitations provided in Article II, Section 209(g) of this Charter;

9. To appoint, subject to confirmation by the affirmative vote of a majority of the members of the Council, the County Solicitor;

10. To appoint the Chief Administrative Officer and the heads of all offices and departments which are subject to ~~his or her~~ **THE EXECUTIVE'S** supervision and control under this Charter or by law;

11. Unless otherwise specified in this Charter, to appoint the members of all boards, commissions, authorities and corporations created in or pursuant to this Charter or by law;

12. To sign or cause to be signed on the County's behalf all deeds, contracts and other instruments, including those which prior to the adoption of this Charter required the signature of the Chairperson or any member of the Board of County Commissioners, and to affix the County Seal thereto;

13. Except as otherwise expressly provided in this Charter, to issue, or cause to be issued, all executive orders, directives, licenses and permits, including those which prior to the adoption of this Charter, were issued or granted by the County Commissioners;

14. To prepare and issue, or cause to be prepared and issued, rules and regulations of the character which prior to the adoption of this Charter were prepared or issued by the County Commissioners, provided that before taking effect, all such rules and regulations, other than those concerned exclusively with the internal operating procedure of the executive branch of the County government, shall be approved by the Council;

15. To perform such other executive duties as may be prescribed by this Charter or required by ordinance or resolution of the Council or as may be necessarily implied from the powers and duties herein specified.

Section 304. - Temporary appointments.

(a) Chief Administrative Officer. During the temporary absence of the Chief Administrative Officer, or if the office of Chief Administrative Officer shall become vacant, the Executive shall appoint an Acting Chief Administrative Officer pending, in the case of a vacancy, the appointment of a successor. In ~~his or her~~ **THEIR** capacity as Acting Chief Administrative Officer, the appointee need not possess, but the successor shall possess, all those qualifications hereinabove in this Article specified for an original appointee.

(b) Other officers. The Executive, in the case of a vacancy or temporary absence, may designate any person to serve as acting head of any office or department in the executive branch until the appointment of a successor. Unless at the time of such appointment the temporary appointee is a subordinate officer in the office or department to which ~~he or she is~~ **THEY ARE** designated as acting head, ~~he or she~~ **THEY** shall possess all the qualifications for the office specified in Article IV of this Charter for an original appointee.

Article IV.

Offices, Departments, and Boards.

Section 405. - The Office of Law.

(a) The County Solicitor. The Office of Law shall be administered by the County Solicitor, who shall be a member in good standing of the Bar of the Maryland Court of Appeals for five years and shall have been actively engaged in the general practice of ~~his or her~~ **THEIR** profession in the State of Maryland for at least five years immediately prior to ~~his or her~~ **THEIR** appointment. The County Solicitor shall have been a resident of Howard County for at least the two years immediately preceding ~~his or her~~ **THEIR** appointment and shall continue to reside in the County for the duration of ~~his or her~~ **THEIR** term of office.

(b) Powers and duties. The County Solicitor shall be the legal advisor of the County and of its several offices, departments, boards, commissions and other agencies. Except as otherwise provided in this Charter, no office, department, board, commission, agency or branch of the County government which receives County funds shall have any authority or power to employ or retain any legal counsel other than the County Solicitor. The County Solicitor shall also be the legal advisor and legislative drafter for the Council, unless the Council shall specify otherwise by resolution. The County Solicitor shall give advice and opinions upon any legal questions affecting the interests of the County which are submitted to ~~him or her~~ **THEM**:

- (1) By written request of a County Council member;
- (2) By written request of the Executive;
- (3) By written request, approved by the Executive, of the head of any office or department in the executive branch; or
- (4) By written request of any board, commission or agency.

All deeds, bonds, contracts, releases, agreements, advertisement bids, and other legal papers, documents and instructions involving the interests of the County to be executed and approved by any officer of the County shall be submitted to the County Solicitor and shall be approved by ~~him or her~~ **THEM** as to their form and legal sufficiency in compliance with the laws and conditions under which executed. The County Solicitor shall have the right of access at all times to the official records of any office, department, board, commission or agency of the County. The County solicitor shall have such additional legal duties as may be prescribed by directive of the Executive or by legislative act of the Council not inconsistent with this Charter.

(f) Term of office for the County Solicitor. The County Solicitor shall serve at the pleasure of the Executive and the Council for a term concurrent with the term of the Executive. The County Solicitor may be removed from office during ~~his or her~~ **THEIR** term by either:

- (i) The Executive with the consent of a majority of the Council; or
- (ii) A two-thirds vote of the entire Council.

If the County Solicitor ceases to meet the qualifications set forth in Section 405(a) of this Charter, or is convicted of any crime involving moral turpitude, ~~he or she~~ **THEY** shall immediately forfeit ~~his or her~~ **THEIR** office.

Article V.

Board of Appeals.

Section 501. The County Board of Appeals.

(c) Rules of practice and procedure. The Board of Appeals shall have authority to adopt and amend rules of practice governing its proceedings which shall have the force and effect of law when approved by legislative act of the Council. Such rules of practice and procedures shall not be inconsistent with the Administrative Procedure Act of the Annotated Code of Maryland. The rules may relate to filing fees, meetings and hearings

of the Board, the manner in which its Chairperson shall be selected and the terms which ~~he~~ **THEY** shall serve as Chairperson and other pertinent matters deemed appropriate and necessary for the Board. Three members of the Board shall constitute a quorum of the Board, and its hearings shall receive public notice as required by law. All hearings held by the Board shall be open to the public, and provision shall be made for all interested citizens and citizens groups to be heard. The Board shall cause to be maintained complete public records of its proceedings, with a suitable index.

(f) Implementing legislation. The powers and functions of the Board of Appeals as herein provided for shall be defined by implementing legislation heretofore or hereafter enacted by the Council, subject to and to the extent required by applicable State law. The Council may by legislative act increase the compensation of the members of the Board of Appeals as provided in Section 501(a) of this Article and thereafter decrease such compensation; provided, however, that no reduction shall affect the compensation of a member of the Board of Appeals during ~~his or her~~ **THEIR** current term, and in no event shall the council have the power to decrease the compensation of members of the Board below the figure provided in this Charter. To the extent permitted by State law, the Council shall also have the power, by legislative act, to prescribe other appeals to be heard by, or to limit the jurisdiction of, the Board of Appeals in addition to those specified in this Article.

Article VI.

Budgetary and Fiscal Procedures.

Section 612. Appropriation control and certification of funds.

(a) No office, department, institution, board, commission or other agency of the County government shall during any fiscal year expend, or contract to expend, any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose in excess of the amounts appropriated or allotted for the same general classification of expenditure in the budget for such fiscal year, or in any supplemental appropriation as hereinabove provided; and no such payment shall be made nor any obligation or liability incurred, except for small purchases in an amount to be established from time to time by ordinance unless the Director of Finance shall first certify that the funds for the designated purpose are available. Any contract, verbal or written, made in violation of this Section shall be null and void; and if any officer, agent or employee of the County shall knowingly violate this provision, ~~he or she~~ **THAT PERSON** shall be personally liable and such action shall be cause, after public hearing, for ~~his or her~~ **THEIR** removal from office by the Executive or by majority vote of the Council, notwithstanding the provisions of Article VII of this Charter. Nothing in this Section or elsewhere in this Charter contained shall prevent the making of contracts of

lease or for services providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transactions reasonably requires the making of such contracts. But any contract, lease or other obligation requiring the payment of funds from appropriations of a later fiscal year shall be made or approved by ordinance which shall be effective immediately upon enactment. No contract for the purchase of real or leasehold property shall be made unless the funds therefor are included in the capital budget.

(b) In exercising ~~his or her~~ **THEIR** powers as the custodian of the monies of the County, the Director of Finance may advance funds in ~~his or her~~ **THEIR** custody for the discharge of obligations incurred in connection with capital projects for which a bond enabling law or laws of the County has or have been approved and money appropriated therefor prior to the issuance of such bonds; provided that repayment of any such advance shall be made out of the proceeds of the sale of the bond issue concerned or from any other monies subsequently made available for such purpose.

Article VII.

Merit System.

Section 706. - Classification and pay plans.

(e) Revisions of pay plan. Not later than the first day of January of each year, the Personnel Officer shall submit ~~his or her~~ recommendations to the Personnel Board for changes deemed necessary to keep the pay plan on a current basis. The Personnel Board, not later than the first day of February, shall submit the pay plan with recommendations to the Executive. The Executive in the preparation of the annual expense budget shall consider for incorporation therein the pay plan recommendations of the Personnel Board. Prior to the adoption of the annual expense budget ordinance, the Council shall approve such of the proposed pay plan changes as it may deem proper. Should it approve less than the amounts contained in the annual expense budget, it shall adjust the appropriations sought for the various budget units in the light of such action. The law enacting the pay plan shall be effective on the first day of the ensuing fiscal year.

Section 709. - Prohibitions.

(f) Rendering personal services. No officer or employee of the County, elected or appointed, shall detail or cause any officer or employee of the County to do or perform any service or work outside of ~~his or her~~ **THEIR** public office or employment.

(g) Improper administration. No employee administering the merit system, examiner or other person may defeat, deceive or obstruct any person in ~~his or her~~ **THEIR** right to examination, eligibility, certification or appointment under this Article, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

Article VIII.

Centralized Purchasing.

Section 802. County purchasing policies and practices. The Chief Administrative Officer shall be the County Purchasing Agent and shall have the following purchasing functions which ~~he or she~~ **THEY** may delegate to a Deputy Purchasing Agent in ~~his or her~~ **THEIR** office and under ~~his or her~~ **THEIR** supervision:

Section 806. Contract execution. All contract bid forms and all contracts shall be approved by the County Solicitor as to form and legality. Following such approval, all contracts shall be signed in behalf of the County by the Executive or ~~his or her~~ **THEIR** designee. A complete file of all contract bid forms and all contracts shall be maintained in the office of the County Purchasing Agent. A copy of each signed contract shall be forwarded promptly to the Director of Finance.

Section 808. - Furthering legislation. The Council, upon recommendations received from the Executive, or if ~~he or she~~ **THE EXECUTIVE** fails to do so, shall enact furthering legislation, not inconsistent with the provisions of this Charter or with the public general laws of this State, to implement the purchasing policies herein established. Such legislation shall provide for regulating the practices of the County Purchasing Agent and other officers, agents and employees of the County in regard to the issuance of inquiries, the receipt of bids; the placement of orders and other matters relating to the making of purchases and the award of contracts. Such legislation shall also prescribe procedures and establish minimum dollar amounts for competitive bidding.

Article IX.

General Provisions.

Section 901. - Conflict of interest.

(a) Prohibitions. No officer or employee of the County, elected or appointed, shall in any manner whatsoever be interested in or receive any benefit of the profits or emoluments of any contract, job, work, or service for the County. No such officer or employee shall accept any service or thing of more than nominal value, directly or indirectly, from any person, firm or corporation having dealings with the County, upon more favorable terms

than those granted to the public generally, nor shall ~~he or she~~ **ANY OFFICER OR EMPLOYEE** receive, directly or indirectly, any part of any fee, commission or other compensation paid or payable by the County, or by any person in connection with any dealings with the County, or by any person in connection with any dealings with or proceedings before any branch, office, department, board, commission or other agency of the County. No such officer or employee shall directly or indirectly be the broker or agent who procures or receives any compensation in connection with the procurement of any type of bonds for County officers, employees or persons or firms doing business with the County. No such officer or employee shall solicit or accept any compensation or gratuity in the form of money or otherwise for any act or omission in the course of ~~his or her~~ **THAT OFFICER OR EMPLOYEE'S** public work; provided, however, that the head of any department or board of the County may permit an employee to receive a reward publicly offered and paid for, for the accomplishment of a particular task.

(c) Penalties. Any officer or employee of the County who willfully violates any of the provisions of this Section shall forfeit ~~his or her~~ **THEIR** office, or shall suffer such other penalty as provided by law. If any person shall offer, pay, refund or rebate any part of any fee, commission, or other form of compensation to any officer or employee of the County in connection with any County business or proceeding, ~~he or she~~ **THAT PERSON** shall, on conviction, be punishable by imprisonment for not less than one or more than six months or a fine of not less than \$ 100.00 or more than \$1,000.00, or both. Any contract made in violation of this Section may be declared void by the Executive or by resolution of the Council. The penalties in this Section shall be in addition to all other penalties provided by law.

Section 903. - Removal of members of Boards and Commissions. A member of any Board or Commission may be removed from office for cause by the appointing authority with the approval of a majority of the entire Council, but such member shall first be presented with a written statement of the reasons therefor, and shall have the privilege of a public hearing if ~~he or she~~ **THAT MEMBER** so requests within ten days. A member of any Board or Commission who shall be absent from three consecutive regular meetings of such Board or Commission, unless excused by resolution thereof, shall be deemed to have vacated ~~his or her~~ **THEIR** office. Vacancies occurring in such office otherwise than by expiration of the term shall be filled for the unexpired balance of the term.

Section 905. - Additional compensation prohibited. No County officer or employee who is compensated for ~~his or her~~ **THEIR** service by salary shall receive any additional salary for serving as an ex officio member of a County board, commission or agency.

Section 914. - Definitions and rules of construction. As used in this Charter,

(e) The words "passage" and "adoption," when used in connection with the legislative acts of the Council, shall mean the action by the Council in approving any item of legislative business prior to its submission to the Executive for ~~his or her~~ approval or veto. ~~Whenever in this Charter the masculine gender is used such words shall be construed to include the feminine gender.~~

~~(j)~~ **(K)** The words "hereafter" and "heretofore" shall refer to December 5, 1968, unless such a construction would be unreasonable.

~~(m)~~ **(L)** The phrase "two-thirds of the members of the Council" shall mean at least two-thirds of all members and, in the case of a five-member Council, shall mean four members.

~~(n)~~ **(M)** The term "County Government" shall include all offices, departments, institutions, boards, commissions, and agencies established under the Howard County Charter, law or resolution, and their officers, agents and employees.

Question B - [CR40-2026](#)

Text of Proposed Charter Amendments (additions in **BOLD CAPS**; deletions in ~~striketrough~~):

Article VI.

Budgetary And Fiscal Procedures.

Section 601. Fiscal year and tax year and definitions.

(a) Fiscal year and tax year: Unless and until changed in accordance with the provisions of law, the fiscal or budget year and the tax year of the County shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year.

(b) Definitions.

(1) The term "budget" when used herein shall be used to denote that package of materials consisting of the current expense budget, operating expense program, the capital budget and capital program, and the budget message. It is to be distinguished from the term "budget ordinance" which shall consist of the current expense budget and the capital budget.

(2) The term "budget ordinance" when used herein shall consist of the current expense budget and the capital budget.

(3) The term "capital budget" shall mean the plan of the County to receive and expend funds for capital projects during the first fiscal year of their inclusion in the capital program and shall include a narrative description of each capital project.

(4) The term "capital program" shall mean the plan of the County to receive and expend funds for capital projects during the first fiscal year covered by the capital budget and the next succeeding five fiscal years.

(5) The term "capital project" shall mean each of the following:

(i) Any physical public betterment or improvement and any preliminary studies and surveys relative thereto;

(ii) The acquisition of property of a permanent nature for public use;

(iii) The purchase of equipment for any public betterment or improvement when first constructed;

(iv) The purchase of equipment having a probable useful life exceeding three years, provided that the term of any bonds issued to fund the purchase shall not exceed the probable useful life of the equipment-;

(V) AFFORDABLE FOR SALE HOUSING PROJECTS, FINANCED IN WHOLE OR IN PART BY THE HOUSING OPPORTUNITIES TRUST FUND, WHETHER OR NOT OWNED OR CONSTRUCTED BY THE COUNTY PROVIDED THAT:

A. THE TERM OF ANY BONDS ISSUED TO FUND THE CONSTRUCTION OF SUCH AFFORDABLE FOR SALE HOUSING PROJECT SHALL NOT EXCEED THE USEFUL LIFE OF THE PROJECT;

B. A DECLARATION IS RECORDED IN THE LAND RECORDS OF THE COUNTY, DEMONSTRATING COMPLIANCE WITH SECTION 13.1600(E) OF THE HOWARD COUNTY CODE FOR AT LEAST THE TERM OF THE BONDS ISSUED TO FUND THE CONSTRUCTION OF SUCH AFFORDABLE FOR SALE HOUSING PROJECTS; AND

C. SUCH AFFORDABLE HOUSING PROJECTS SHALL:

1. BE WHOLLY OWNED BY THE HOWARD COUNTY HOUSING COMMISSION OR AN ENTITY CONTROLLED BY THE HOWARD COUNTY HOUSING COMMISSION. AS DEFINED IN §12-104(B) OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND; AND

2. BE EXCLUSIVELY COMPRISED OF HOUSING UNITS FOR PURCHASE.

(6) The term "current expense budget" shall mean the plan of the County to receive and expend funds for charges incurred for operation, maintenance, interest and other charges for the ensuing fiscal year.

(7) The term "estimated surplus" shall mean the amount included as surplus revenue in the current expense budget for the ensuing fiscal year.

(8) The term "excess surplus" shall mean the amount by which the sum of the estimated surplus and the unbudgeted surplus exceeds the amount which is required to be appropriated to the budget stabilization account under Section 615A of this Charter.

(9) The term "operating expense program" shall mean a summary projection of receipts and operating expenses for the fiscal year covered by the current expense budget and the next succeeding five fiscal years.

(10) The term "total general fund expenditures" shall mean the total of all expenditures from the general fund, including operating transfers to the Board of Education, the Howard Community College, and other funds, but not including the amount of any excess surplus used for the restricted purposes listed in Section 615B of this Charter.

(11) The term "unbudgeted surplus" means the amount, determined by audit for the last complete fiscal year, by which the actual general fund surplus exceeds the amount of estimated surplus for that same fiscal year.